## Exhibit 161

Redacted Public Version

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Page 1
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                  UNITED STATES DISTRICT COURT
 2
              FOR THE NORTHERN DISTRICT OF NEW YORK
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     NIKE, INC.,
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                                )
 6
               Plaintiff,
                                   No. 1:22-cv-00983-VEC
 7
                                )
     vs.
 8
     STOCKX LLC,
 9
               Defendant.
10
11
12
                HIGHLY CONFIDENTIAL
13
                    OUTSIDE ATTORNEYS' EYES ONLY
14
                VIDEOTAPED DEPOSITION OF JOHN LOPEZ
15
                     SAN FRANCISCO, CALIFORNIA
16
                    THURSDAY, FEBRUARY 23, 2023
17
18
19
20
21
     STENOGRAPHICALLY REPORTED BY:
22
     ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~
23
     CSR LICENSE NO. 9830
     JOB NO. 5688745
24
25
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7	)	7 BY MR. FORD 296
,	vs. ) No. 1:22-cv-00983-VEC	8
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10 .	)	13 Exhibit 2 Defendant's Objections and 48
11		14 Responses to Plaintiff's Second
12		_
13	Wile ID W CILL (1	15 Set of Interrogatories
14	Videotaped Deposition of John Lopez, taken on behalf of the Plaintiff, Pursuant to Notice, on	16 Exhibit 3 Seasonal Authenticator at StockX 59
15 16	Thursday, February 23, 2023, beginning at	17 Exhibit 4 Authenticator at StockX 60
17	9:27 a.m., and ending at 6:55 p.m., before me,	18 West Caldwell, NJ
18	ANDREA M. IGNACIO, CSR, RPR, CCRR, CRR, CLR ~	19 Exhibit 5 Team Leader, Authentication and 60
19	License No. 9830.	20 Quality Assurance at StockX
20		21 Exhibit 6 Page Vault, Bates NIKE0006785 - 90
21		22 '89
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24		Authenticator I, II, III, Bates
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4	DLA PIPER	4 Operating Procedure, Bates
5	By: MARC E. MILLER, Esq.	5 STX0752605 - '42
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7		
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	1251 Avenue of the Americas, 27th Floor	7 STX02033509 - '673
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8 9 10 11 12 13 14 15 16 17	New York, New York 10020 212.335.4500 marc.miller@us.dlapiper.com  FOR THE DEFENDANTS: By: CHRISTOPHER S. FORD, Esq. MAI-LEE PICARD, Esq. 650 California Street San Francisco, California 94108 415.738.5705	7 STX02033509 - '673 8 Exhibit 10 Nike Dunk Low Retro White Black 197 9 (2021), Bates STX0069511 - '24 10 Exhibit 11 Jordan 1 High OG SP Fragment 204 11 design x Travis Scott, Bates 12 STX0058653 - '69 13 Exhibit 12 Nike SB Dunk Low What The 204 14 Paul - Fake Comparison, Bates 15 STX0058670 - '93 16 Exhibit 13 12-18-20 Email Re: Auth App 209 17 Updates/Grateful Dead SB Breakdown
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	New York, New York 10020 212.335.4500 marc.miller@us.dlapiper.com  FOR THE DEFENDANTS: By: CHRISTOPHER S. FORD, Esq. MAI-LEE PICARD, Esq. 650 California Street San Francisco, California 94108 415.738.5705 csford@debevoise.com  ALSO PRESENT: Peter Yaroschuk, Videographer Kevin Adams, StockX LLC	7 STX02033509 - '673 8 Exhibit 10 Nike Dunk Low Retro White Black 197 9 (2021), Bates STX0069511 - '24 10 Exhibit 11 Jordan 1 High OG SP Fragment 204 11 design x Travis Scott, Bates 12 STX0058653 - '69 13 Exhibit 12 Nike SB Dunk Low What The 204 14 Paul - Fake Comparison, Bates 15 STX0058670 - '93 16 Exhibit 13 12-18-20 Email Re: Auth App 209 17 Updates/Grateful Dead SB Breakdown 18 Bates STX0106086 - '87 19 Exhibit 14 10-18-21 Email Re: Weekly 216 20 Sneaker Product Update - 10/18 21 Bates STX0106315 - '16 22 Exhibit 15 2-1-22 - 3-1-22 Short Message 224 23 Report, Bates STX0076158 - '71
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1 EXHIBITS	1 Street, Suite 2400, San Francisco, California 94105.
2 EXHIBIT PAGE	2 My name is Peter Yaroschuk from the firm
3 Exhibit 17 3-22-21 - 3-28-21 Outline of 250	3 Veritext. I am the videographer.
4 Conversations, Bates STX0545514	4 The court reporter is Andrea Ignacio from the
5 - '30	5 firm Veritext.
6 Exhibit 18 Authentication Failure Comms 265	6 I am not related to any party in this action,
7 Policy, Bates STX0169271 - '72	7 nor am I financially interested in the outcome.
8 Exhibit 19 1-4-22 Email, Subject: Fake - 271	8 Counsel and all present, please now state
9 return, ref for John to look	9 your appearances and affiliations for the record.
into seller and checker, Bates	10 If there are any objections to proceeding,
11 ZK_NIKE_010019 - '29	11 please state them at the time of your appearance,
12 Exhibit 20 1-5-22 Email Re: Fake - return, 271	12 beginning with the noticing attorney.
ref for John to look into seller	MR. MILLER: Good morning. This is Marc
and checker, Bates ZK_NIKE_010032	14 Miller from DLA Piper, on behalf of Plaintiff Nike
15 Exhibit 21 3-31-22 Email Re: Lots warning 277	15 Inc.
16 signs, Bates ZK_NIKE_010404 - '24	16 And I'm joined by Gabby Velkes, also of
17 Exhibit 22 3-31-22 Email Re: Lots warning 277	17 DLA Piper.
18 signs, Bates ZK_NIKE_010428 - '29	18 MR. FORD: Christopher Ford, Debevoise &
19 Exhibit 23 12-18-20 Email Re: ? Bates 277	19 Plimpton, on behalf of defendant StockX.
20 ZK_NIKE_ 007765 - '75	With me are my colleague Mai-Lee Picard, and
21 Exhibit 24 12-22-20 Email Re: ? Bates 277	21 Kevin Adams with in-house counsel at StockX.
22 ZK_NIKE_ 007780 - '81	22 THE VIDEOGRAPHER: Thank you.
23 Exhibit 25 8-2-22 Email Re: Instagram post 285	Will the court reporter please swear in the
24 Bates STX0772942 - '45	24 witness.
25oOo	25
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1 DEPOSITION PROCEEDINGS	1 JOHN LOPEZ,
1 DEPOSITION PROCEEDINGS 2 THURSDAY, FEBRUARY 23, 2023	1 JOHN LOPEZ, 2 having been first duly sworn
1 DEPOSITION PROCEEDINGS 2 THURSDAY, FEBRUARY 23, 2023 3oOo	1 JOHN LOPEZ, 2 having been first duly sworn 3 by the Certified Court Reporter,
1 DEPOSITION PROCEEDINGS 2 THURSDAY, FEBRUARY 23, 2023 30Oo 4	1 JOHN LOPEZ, 2 having been first duly sworn 3 by the Certified Court Reporter, 4 testified as follows:
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3 (Pages 6 - 9)



59 (Pages 230 - 233)

Page 270 Page 272 A I would review the photographs for potential 1 So do you recognize this document? 1 2 2 returns. A I do, yes. 3 Q Who in the account management team set you up 3 Q And what is this document? 4 with Mr. Malekzadeh to help him with these returns? A This appears to be an e-mail between myself, A From my memory, it was Russ Amidon who 5 the account manager James, and Malekzadeh. 6 initiated the contact. Q James Schumacher is an account manager at 7 StockX? Q Is Mr. Malekzadeh the only StockX buyer that 8 the account management team has ever set you up to 8 A He is, yes. 9 personally handle questions about returns? Q Was he also working on Mr. Malekzadeh's 10 A Yes, it is. 10 account? 11 Q Did you find it odd that Mr. Amidon set you 11 A He was, yes. 12 up with Mr. Malekzadeh to communicate directly with 12 Q Okay. And so Mr. Malekzadeh is sending you 13 him about suspected fake products that he purchased 13 and Mr. Schumacher an e-mail on January 4th, 2022. 14 through the StockX platform? 14 The subject is: 15 A At the time, no, I did not find it odd, just (As read): 16 because of the volume that Mr. Malekzadeh purchased 16 "Fake - return, ref for John to look into 17 from us. 17 seller and checker." Q Have you ever communicated with any other 18 What does that mean? 18 19 StockX consumers directly about suspected fake 19 A I don't know exactly what is meant there in 20 products purchased through the platform other than 20 the subject. 21 Mr. Malekzadeh? 21 Q That's you, "John"; right? 22 MR. FORD: Objection to form. 22 A That is, yes. 23 THE WITNESS: No, I have not. 23 Q Do you know what Mr. Malekzadeh was trying to 24 MR. MILLER: Let's mark that one first. 24 communicate by saying that? 25 /// 25 A I don't know exactly, no. Page 271 Page 273 Q Did he want you to look into who the seller (Document marked Exhibit 19 1 2 2 of this particular order was? for identification.) 3 3 A Could be. But again, I can't -- I can't MR. MILLER: All right. 4 Q Mr. Lopez, you've been handed a document 4 speculate on that. 5 that's been marked as Exhibit 19. 5 Q Okay. And what does he mean by "checker"? Is that another word for authenticator? MR. FORD: Are we marking all of this as 6 7 A I don't know what he means by "checker." I 7 Exhibit 19? 8 initially thought that was a typo. MR. MILLER: No. I was going to mark the 8 9 next one as 20. 9 Q Okay. In the body of his e-mail, he says: 10 (As read): 10 Did you hand that to them already? 11 MS. VELKES: Uh-huh. 11 "Bad fake. Laces, shouldn't be. Label all 12 MR. MILLER: Okay. Well, then we might as 12 weekend. Shape wrong. Stitching real bad color on 13 tongue tag wrong etc." 13 well just mark it. 14 MS. VELKES: Oh, I'm sorry. 14 Do you know what any of that means? 15 15 A From his perspective, it seems like he MR. MILLER: So Angela, can you mark this one 16 received a suspected inauthentic pair. 16 as 20. 17 Q And he attaches some photographs to this 17 (Document marked Exhibit 20 18 e-mail? 18 for identification.) 19 MR. MILLER: All right. Sorry for the 19 A Yes. 20 Q Okay. And did you receive these photographs 20 confusion. Q So Exhibit 19 is bearing Bates 21 and view them when Mr. Malekzadeh sent you this? 22 No. ZKNIKE010019, and Exhibit 20 is ZKNIKE010032. 22 A I did, yes. 23 Q Okay. And did you respond? 23 Do you see that? 24 A I did, yes. 24 A I do, yes. 25 Q Okay. And that's what we see in Exhibit 20; 25 Q Okay. Let's start with No. 19, please.

69 (Pages 270 - 273)

Page 282	Page 284
1 MR. MILLER: Is that right?	1 "What about the stitch line under the
2 The pages seem out of order.	2 insole?"
3 MS. VELKES: Oh, they are. It's at the back.	3 Do you know what he's referring to there?
4 This is the first page.	4 A Yes. So it appears to be a a misplaced
5 MR. MILLER: Okay. So the first page is	5 stitch on the insole there on the left shoe.
6 '7765; is that right?	6 Q Which page are you looking at?
7 And the last page is what?	7 Could you just identify it for the record by
8 MS. VELKES: '775.	8 the Bates number.
9 MR. MILLER: Okay.	9 A Sure. It is '007768.
THE WITNESS: I don't have a 7 I'm sorry.	10 And I can circle that as well.
11 Yes, I do.	11 (Witness complies.)
12 MR. MILLER: Yeah. Sorry.	12 Q And you respond to Mr. Malekzadeh pointing
13 THE WITNESS: Okay.	13 that stitch out to you by saying:
MR. MILLER: This document printed pretty	14 (As read):
15 strangely. I don't know why. I apologize for that.	15 "Normal Nike defects. Mass produced shoe."
16 Q But it looks like the e-mail to which these	What did you mean by that?
17 photographs were attached appears at page '7765.	17 A What I mean by that is, this particular shoe
Do you see that?	18 was released in high quantities. So there are
19 A Yes, I do.	19 examples where, you know, the quality or the standards
20 Q Okay. So do you recognize this document?	20 will not be perfect on each one.
21 A I do, yes.	21 Q How do you know that?
Q And what is this document?	22 A I know that from my personal experience with
23 A This is an e-mail thread from Zadeh Kicks to	23 this particular shoe as well as my experience with
24 myself and Russ.	24 StockX.
25 Q And then there are photographs attached to	25 Q And what is this particular shoe?
Page 283	_
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Page 300 Page 298 1 last few minutes. So we'll deal with that in front of 1 THE WITNESS: No. I do not. 2 the court. And if we have to call back Mr. Lopez, 2 MR. FORD: Q. Similarly, if you'd turn with 3 me to page 6 and 7. 3 then so be it. 4 MR. FORD: I -- I don't think a privilege 4 Are you aware of what Mr. Odeh does or does 5 instruction -- a proper privilege instruction is 5 not know about the topics covered by Interrogatory 6 obstruction, but that's fine. 6 No. 13, which appears on page 6 of this document? 7 7 MR. MILLER: Great. We'll let the court MR. MILLER: Objection to form. 8 THE WITNESS: No, I do not. 8 decide that one. Thanks. MR. FORD: Q. And Mr. Melville, I think you THE VIDEOGRAPHER: May we conclude? 10 said you didn't know who that was at all; is that 10 MR. FORD: Yes. 11 THE VIDEOGRAPHER: This concludes today's 11 right? 12 deposition of John Lopez. The number of media used 12 A Correct. I do not. 13 Q So I think is -- is it also right that you 13 was seven. 14 The time is 6:55 p.m. We are off the record. 14 don't know what Mr. Melville knows or does not know 15 (WHEREUPON, the deposition ended at 15 about the subject matter of Interrogatory No. 13 that 16 16 appears on page 6 of this document? 6:55 p.m.) 17 17 MR. MILLER: Objection to form. ---oOo---18 18 THE WITNESS: I do not. 19 MR. FORD: Okay. 19 20 21 22 23 24 25 Page 299 Page 301 DECLARATION UNDER PENALTY OF PERJURY 1 2 3 I, John Lopez, do hereby certify under penalty of perjury that I have read the foregoing 5 transcript of my remote deposition, taken on February 23, 2023, that I have made such 6 7 corrections as appear noted herein in ink; 8 initialed by me; that my testimony contained 9 herein, as corrected, is true and correct. 10 11 DATED this \_\_\_\_ day of \_\_\_\_\_ 12 MR. FORD: I've got nothing further. 12 13 MR. MILLER: I don't have any questions 13 14 following your redirect. 14 15 15 But I will repeat the reservation to recall SIGNATURE OF WITNESS 16 Mr. Lopez to answer questions about information that 16 17 is not at all covered by privilege related to his 17 18 re-authentication of Mr. Kim's fake shoes that he 18 19 purchased from StockX. 19 20 MR. FORD: And we consider this deposition 20 21 closed since there were no questions for which 21 22 Mr. Lopez was unable to provide an answer. But that 22 23 will be up to the court if you take it there. 23 24 MR. MILLER: I -- I disagree, Chris. You 24 25 obstructed him from answering several questions the 25

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<u>Deposition Date</u>: 2/23/2023 <u>Deponent</u>: John Lopez – Errata Sheet <u>Case Name</u>: Nike, Inc. v. StockX LLC, No. 22 CV 983 (VC)

Page(s): Line(s)	Now Reads	Should Read	Reason
12:4	employee team member	employee or team member	Transcription Error
33:9	a numerous of things	numerous things	Clarification
103:4	to base it or represent	to base around that	Transcription Error
103:11-12	products that we received	products that we receive	Transcription Error
104:18	we do <b>pull</b> data	we do <b>hold</b> data	Transcription Error
106:17	a specific product has <b>gone</b>	a specific product has <b>gotten</b>	Transcription Error
111:12	any quality issue	any quality <b>issues</b>	Transcription Error
122:4	I can speak <b>in</b> authentication	I can speak <b>on</b> authentication	Transcription Error
134:10	I cannot <b>cite</b>	I cannot say	Transcription Error
144:1	That is used	It is used	Transcription Error

<u>Deposition Date</u>: 2/23/2023 <u>Deponent</u>: John Lopez – Errata Sheet <u>Case Name</u>: Nike, Inc. v. StockX LLC, No. 22 CV 983 (VC)

Page(s): Line(s)	Now Reads	Should Read	Reason
148:23-24	appear an inauthentic or suspect an inauthentic product	appear <b>in</b> an inauthentic or <b>suspected</b> inauthentic product	Transcription Error
157:24-25	I would say it is part of the <b>storytelling</b> if something is suspected inauthentic.	I would say it is part of the <b>story telling</b> if something is suspected inauthentic.	Transcription Error
163:15	authentic products would come from	authentic products would smell like	Clarification
168:4	Objection.	Objection to form	Transcription Error
171:18			Transcription Error
180:17-18	I'm <b>not</b> going to direct you not to discuss	I'm going to direct you not to discuss	Clarification
188:8-9	shoes matching up. <b>Again, that's</b> the size and the style code is correct.	shoes matching up, <b>again</b> , <b>that</b> the size and the style code is correct.	Transcription Error
210:18	currently on practice	currently in practice	Transcription Error
254:14	call their SOP	follow their SOP	Transcription Error

**Deposition Date: 2/23/2023** 

<u>Deponent</u>: John Lopez – Errata Sheet <u>Case Name</u>: *Nike, Inc. v. StockX LLC*, No. 22 CV 983 (VC)

Page(s): Line(s)	Now Reads	Should Read	Reason
271:22	No. <b>ZKNIKE010019</b> , and Exhibit 20 is <b>ZKNIKE010032</b> .	No. <b>ZK_NIKE_010019</b> , and Exhibit 20 is <b>ZK_NIKE_010032</b> .	Typographical Error
275:12	Just <b>this right here.</b>	Just, say, this entire region.	Transcription Error
279:3	Cool <b>Gray</b> Jordan 11	Cool <b>Grey</b> Jordan 11	Typographical Error
280:11	on towards the upper	towards the upper	Clarification
280:21	Cool <b>Gray</b> Jordan 11	Cool <b>Grey</b> Jordan 11	Typographical Error

I, John Lopez, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on February 23, 2023; that I have made such corrections as appear noted herein; and that my testimony as contained herein, as corrected, is true and correct.

DATED this 24th day of March, 2023.

John Lopez Jr 625C8D926A1F4E5...

John Lopez